

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SYSTEM AGENCY,

Plaintiff,

-v-

JOSEPH VILLANUEVA,

Defendant.
-----X

19-CV-6486 (JMF) (RWL)

ORDER

JESSE M. FURMAN, United States District Judge:


As discussed on the record during today's conference:

1. On the consent of all parties, Plaintiff's claims against Defendant are dismissed with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.
2. On the consent of all parties, Plaintiff's answer to Defendant's counterclaim at ECF No. 39 is deemed STRICKEN and Plaintiff is deemed to be in default as to Defendant's counterclaim.
3. Defendant may move for an entry of default judgment as to his counterclaim **no later than August 27, 2021**. Any such motion for default judgment must comport with Paragraph 3(J) of the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. If Plaintiff fails to file a motion for default judgment **by that date**, the Court will construe his counterclaim to be withdrawn and dismiss the counterclaim without further notice to any party.
4. By separate Order to be issued today, the Court is referring any motion for default judgment to Magistrate Judge Lehrburger for Report and Recommendation and, if necessary, an inquest.

The Clerk of Court is directed to enter a certificate of default against Plaintiff with respect to Defendant's counterclaim filed at ECF No. 31. The Clerk of Court is further directed to mail a copy of this Order to Defendant, who is proceeding without counsel.

SO ORDERED.

Dated: July 28, 2021
New York, New York



JESSE M. FURMAN
United States District Judge